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ANNUAL REPORT FY 1988

CRIME VICTIMS UNIT

Montana Board of Crime Control

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CRIME VICTIMS UNIT
CRIME CONTROL DIVISION
STATE OF MONTANA
ANNUAL REPORT FY88

FILE INFORMATION

Claims 355

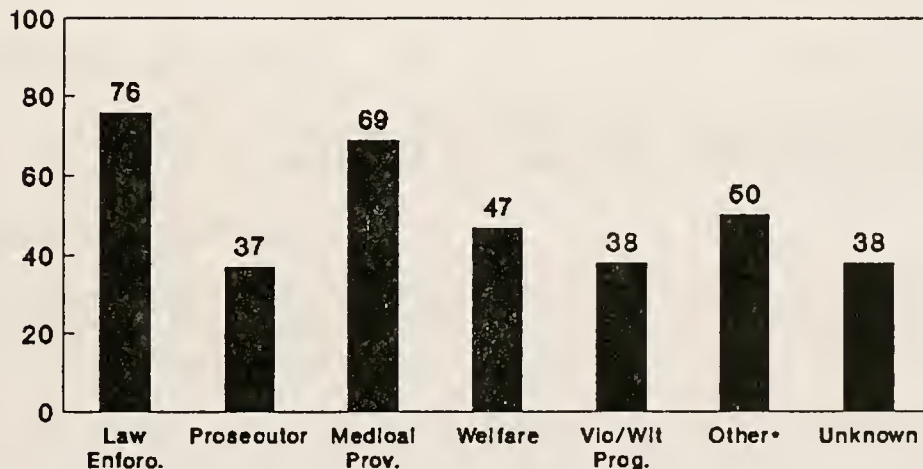
Received on FY87 files	13
Received on FY88 files	342
Additional contacts FY88	<u>57</u>
Files created	399

	<u>AWARDS</u>	<u>DENIED</u>
FY87 claims held over	38	34
FY87 claims received FY88	11+	2
FY88 claims	<u>181*</u>	<u>115</u>
Total	230	Total 151

(+ 2 FY87 claims reduced for contribution, 1 male, 1 female)
(* 13 FY88 claims reduced for contribution, 9 male, 4 female)

Average time from receipt of claim to decision on 309 claims: 48 days
Average time on 72 claims held over: 103 days

VICTIMS SOURCE OF KNOWLEDGE ABOUT THE PROGRAM 1988



SOURCE OF KNOWLEDGE

*Other: Judge(4), Other(4), Attny(13),
News Media(7), Relative/Friend(13),
Funeral Home(5), Government Agency(4)

CRIME VICTIMS UNIT
ANNUAL REPORT FY88
Page 2

COMPENSATION PAID FY88

Medical expense	\$200,737.79
Mental Health Counseling	88,042.33
Wage loss	29,342.49
Funeral	23,206.00
Employable but unemployed	5,200.00
Claimant attorney fee	1,000.00*
C.V.U. legal & costs	<u>96.48</u>

Claims cost \$347,625.09

*Ordered by Division of Workers' Compensation

ADMINISTRATION \$ 56,360.89

TOTAL \$403,985.98

Average payment on all open claims (293 claims)	\$1,186.43
Average administrative cost per file (653 files)	\$ 86.31

CRIME VICTIMS UNIT
ANNUAL REPORT FY88
Page 3

CASH BALANCE END OF FY87 \$95,626

INCOME

16.9% of 50% of .		
Justice of Peace fines	\$410,223	
Restitution	12,106	
Subrogation	187	
Federal Grant	129,000	
Repayment of Centennial Loan	<u>38,000</u>	
		\$589,516
TOTAL CASH AVAILABLE		\$685,142

EXPENSES

Claims	\$347,625	
Administration	<u>56,361</u>	
		\$403,986

CASH BALANCE END OF FY88 \$281,156

CONTINGENT LIABILITIES

Reserves for claims to be paid	\$ 99,471
Statutory loan authority	<u>119,110</u>
for Centennial Commission	
TOTAL	\$218,581

CRIME VICTIMS UNIT
ANNUAL REPORT FY88
Page 4

<u>FILE INFORMATION</u>	PRIOR FYS	FY87	FY88	TOTAL
OPEN FILES				
Ongoing payments	9+	11	62	82
Pending decision			46	46
Pending receipt of claim			46	46
CLOSED FILES				
With payment		36	81	117
With payment (award prior FY)	24*	50	0	74
Reopen for additional payment	23^	4	-	27
Collateral Source Paid		20	38	58
No claim filed within one year		41	11	52
DENIED				
Non-cooperation		4	16	20
No report to law enforcement		2	3	5
Not reported in 72 hours		6	10	16
Live with/relative of offender		1	10	11
100% contribution		3	21	24
Property loss		-	1	1
No preponderance of evidence victim qualifies		15	12	27
Traffic		1	4	5
Claim filed after 1 year		2	6	8
Crime occurred out of state		-	4	4
Claimant was offender		1	1	2
Claimant not a victim		-	3	3
No response from claimant		1	24	25
Total denied		<u>36</u>	<u>115</u>	<u>151</u>
<u>TOTAL DISPOSITIONS</u>	<u>56</u>	<u>198</u>	<u>399</u>	<u>653</u>

Footnotes:

+ FY81 - 1
FY82 - 2
FY83 - 1
FY85 - 2
FY86 - 3

* FY84 - 2
FY86 - 22

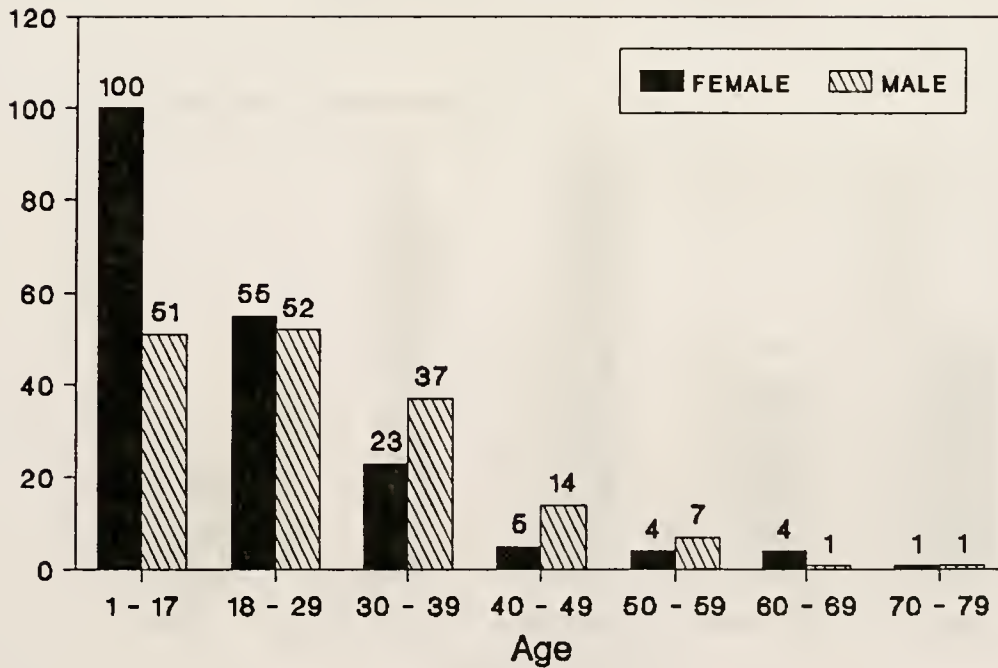
^ FY78 - 1
FY81 - 1
FY82 - 1
FY84 - 3
FY85 - 7
FY86 - 10

CRIME VICTIMS UNIT
ANNUAL REPORT FY88
Page 5

VICTIM

		Average Age	Youngest - Oldest
Female	192	19	1 - 75
Male	<u>163</u>	25	1 - 72
	355		

VICTIMS BY AGE
1988



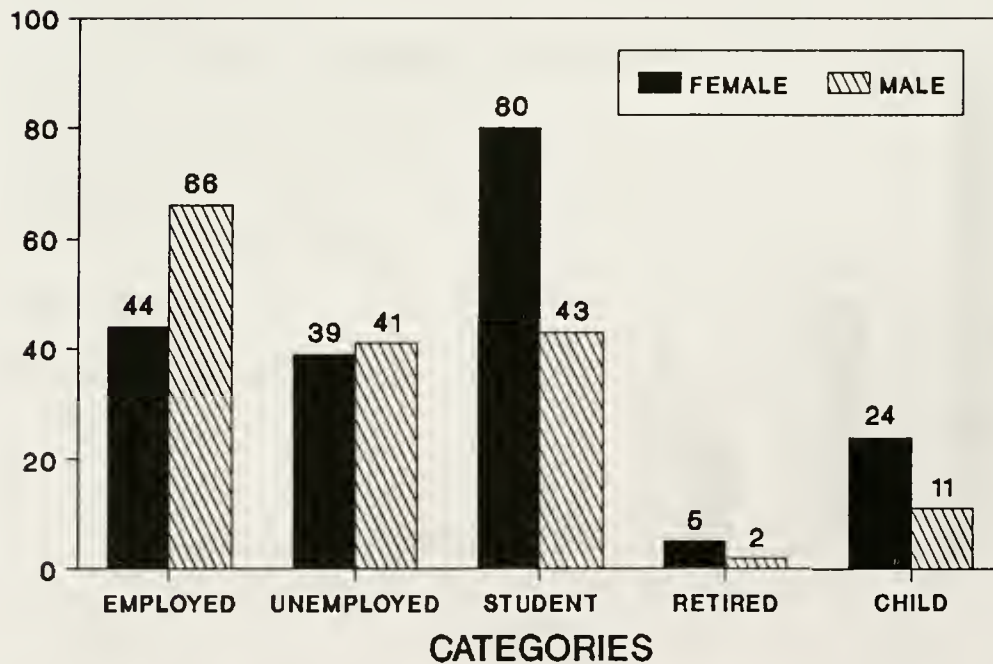
CRIME VICTIMS UNIT
ANNUAL REPORT FY88
Page 6

EMPLOYMENT STATUS

	<u>Female</u>	<u>Male</u>	<u>Total</u>
Employed	44	66	110
Unemployed	39	41	80
Student	80	43	123
Retired	5	2	7
Child *	<u>24</u>	<u>11</u>	<u>35</u>
Total	192	163	355

* Age 5 and under

EMPLOYMENT STATUS
1988

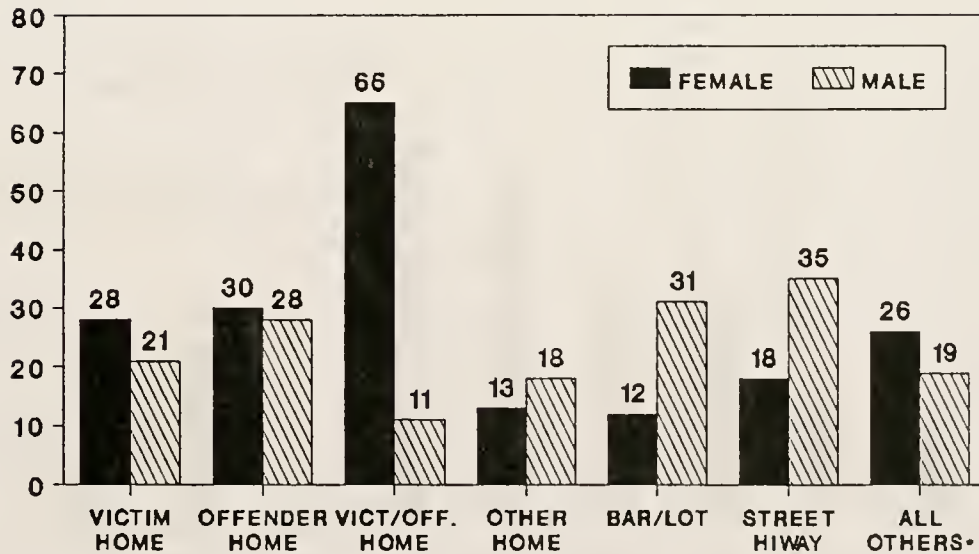


CRIME VICTIMS UNIT
ANNUAL REPORT FY88
Page 7

LOCATION OF CRIME

	Female	Male	Total	
Victim's home	28	21	49	13.8%
Offender's home	30	28	58	16.3%
Victim & Offender's home	65	11	76	21.4%
Other home	13	18	31	8.7%
Victim work	4	2	6	1.7%
Street/alley/lot	13	31	44	12.4%
Highway	5	4	9	2.5%
Public business	6	12	18	5.1%
Field/park	11	4	15	4.2%
Bar/lot	12	31	43	12.1%
Out of State	4	-	4	1.2%
Other	<u>1</u>	<u>1</u>	<u>2</u>	<u>.6%</u>
	192	163	355	100%

LOCATION OF CRIME
1988



LOCATION

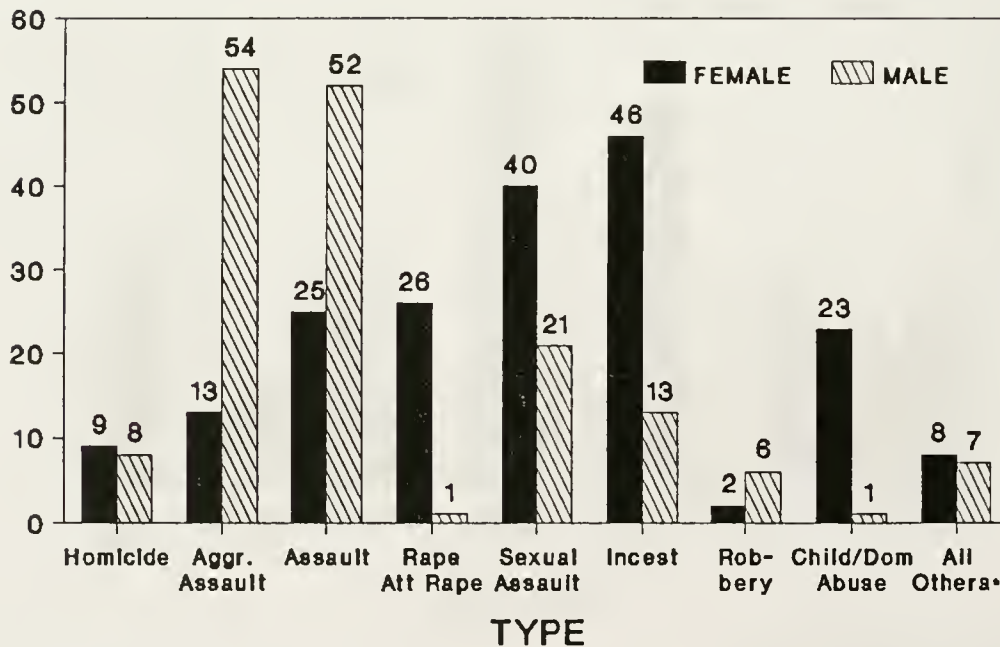
*ALL OTHERS: Public Business,
Field, Park, Victim Work, Other

CRIME VICTIMS UNIT
ANNUAL REPORT FY88
Page 8

TYPE OF CRIME

	Female	Male	Total
Homicide	9	8	17
Aggravated Assault	13	54	67
Assault	25	52	77
Rape	24	1	25
Attempted rape	2	-	2
Sexual Assault	40	21	61
Incest	46	13	59
Armed Robbery	-	1	1
Strong Arm Robbery	2	5	7
Child Abuse	2	1	3
Domestic Abuse	21	-	21
All Others*	8	7	15
Total	192	163	355

TYPE OF CRIME
1988



*ALL OTHERS: Traffic, Theft, No Crime, Kidnap, Aggravated Kidnap

CRIME VICTIMS UNIT
ANNUAL REPORT FY88
Page 9

SECONDARY VICTIMS

Effective October 1, 1987, benefits for mental health counseling for certain family members of a homicide victim or a sexually abused minor may be paid. The mental health benefit is limited to \$500.00 per person; \$1,500.00 per family and must be required because of the crime committed against the primary victim.

Number of incidents giving to a secondary claim.	5
Number of claims from all incidents.	12
Types of Crime:	

Homicide	Sexual assault	Incest	
2	8	2	Total: 12

<u>Female</u>	<u>Male</u>	<u>Total</u>
-	2	2
1	-	1
1	1	2
2	3	5
<u>1</u>	<u>1</u>	<u>2</u>
5	7	12

AGE OF SECONDARY VICTIMS

	<u>0-17</u>	<u>18-29</u>	<u>30</u>	<u>40</u>
Female	1	2	-	2
Male	5	-	1	1

FILE INFORMATION

	<u>Awards</u>	<u>Denied</u>
Female	1	1
Male	<u>3</u>	<u>1</u>
	4	2

Pending a decision: 6

CRIME VICTIMS UNIT
Sample of Claims and Decisions for FY 1988
Page 10

Benefits Awarded - Medical Expense \$1,498.29 - Wage Loss \$357.14

The victim, a male age 35, was visiting a female friend in the early evening. The female's estranged husband had been making threats against her and the victim. The estranged husband came over to the house, broke in the door and shot the victim in the face. The offender was convicted and sentenced to prison. The victim had medical insurance and disability insurance which paid part of the medical and wage loss.

Benefits Awarded - Medical Expense \$12.64

The victim, a male age 17, was with a friend at the fairgrounds. The offender, another juvenile, was drunk. The offender pushed the victim, then punched him in the face causing damage to the front teeth. Two deputies witnessed the incident and arrested the offender. The victim had medical insurance which paid most of the expenses.

Benefits Awarded - Medical Expense \$679.15

The victim, a female age 13, was sexually molested by her step father. The offender plead guilty and was sentenced to a treatment program. He left the home. There was no medical insurance to pay counseling costs. Mental health counseling continues.

Benefits Awarded - Medical Expense \$16.80

The victim, a female age 75, was walking down the street when two juveniles attempted to steal her purse. The victim was thrown to the ground injuring her shoulders and knees. Witnesses to the incident pursued the offenders and recovered the victim's purse. The victim had Medicare and medical insurance.

Benefits Awarded - Medical Expense \$3,088.81

The victim, a male age 18, was riding on a motorcycle with his brother when the offender came out of the bushes beside the road and struck the victim and his brother with a steel pipe. The victim received a fractured leg. There was no insurance to pay for medical expenses.

Benefits Awarded - Medical Expense \$22,802.51 - Wage Loss \$2,197.49

The victim, a male age 41, was at a bar. The offender for some unknown reason pulled a pistol and started shooting in the bar. There had been no contact between the victim and offender previously. The victim was shot in the hand which required extensive surgery. There was no medical insurance. The maximum amount was paid on the claim but the victim had additional medical expenses.

CRIME VICTIMS UNIT
Sample of Claims and Decisions for FY1988
Page 11

Benefits Awarded - Medical Expense \$25,000.00

The victim, a female age 33, had told her boyfriend, the offender, that she did not want to have anything to do with him. The next day the victim came home and the offender was standing in her living room pointing a gun at her. The offender shot the victim several times in the chest and then fatally shot himself. There was no medical insurance. The maximum amount allowed by statute was paid. The victim applied for Medicaid for the additional expenses and the continuing treatment.

Benefits Denied - No criminally injurious conduct occurred since the conduct causing the injuries occurred in another state.

The victim, a female age 9, was sexually abused by her father while she was visiting him in another state. Benefits could only be awarded for conduct that occurred or was attempted in this state. The victim's mother was referred to the crime victims compensation program in the other state.

Benefits Denied - The claimant was the offender and the claimant contributed 100% to her own injuries.

The victim, a female age 22, alleged on her claim form that she was at a bar when a fight broke out. Everybody was throwing glasses and bottles. The victim was struck in the back of the head by a bottle and required 5 stitches. The victim did not know who struck her but did name another patron as a possible suspect. Further investigation revealed that the victim was having a fight with her boyfriend who had shown up with another woman. The victim began the fight by throwing a glass at the offender. The offender retaliated by throwing a bottle back at the victim. Both the victim and the offender in this case were arrested and charged with assault. There was no evidence that the person accused by the victim had ever thrown anything at her.

Benefits Denied - No criminally injurious conduct had occurred and payment could not be made for non-bodily damage.

The victim, a male age 25, filed a claim stating that his vehicle was parked at a lot when it was stolen. He requested payment for towing expenses when his car was recovered, gasoline and food expenses. The claim was denied because criminally injurious conduct must result in bodily injury or death and no payments may be made for non-bodily damage.

CRIME VICTIMS UNIT
Sample of Claims and Decisions for FY 1988
Page 12

Benefits Denied - The claimant is not a victim.

The claimant, a female age 28, filed a claim listing sexually abusive acts against several of her children by another relative. The claim was denied because the claimant did not suffer bodily injury as a direct result of the criminal acts of others. The claimant did not file a claim for the victims, the children.

Benefits Denied - The claim was not filed within one year and the victim was living with the offender.

The victim, a female, was age 19 when she filed her claim alleging that she had been molested by her step father since she was 5 1/2 years old. She had reported to law enforcement approximately 1 1/2 years prior to filing the claim but decided not to prosecute after filing that report and moved back into the home. At the time of filing the claim, she once again left the home and made a report. A short time after she filed the claim, she once again decided not to prosecute and moved back in with the offender. The victim was requested to provide any reason she had to extend the one year limit on filing but did not do so. It did not appear to be in the interest of justice to award benefits since she was continuing to live with the offender and refusing to prosecute.

Benefits Denied - No criminally injurious conduct occurred since the injuries were caused by use of a motor vehicle as described in Title 61.

The victim, a male age 28, was walking home when he accepted a ride from a stranger. The victim got into the back of the pickup since there were other passengers in front. The driver of the pickup began going the wrong way and was driving recklessly which tossed the victim around in the back of the pickup causing his injuries.

Benefits Denied - An award would unjustly benefit the offender and the victim and offender are residing in the same household.

The victim, a female age 17, disclosed that her adopted father had been sexually molesting her since she was age 13. The victim was initially removed from the home and received counseling. The victim was then returned to the home and no criminal charges were brought. Benefits were denied since it would unjustly benefit the offender to pay for the counseling expenses and the victim was once again living in the home with the offender.

